

AMENDED IN ASSEMBLY MARCH 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 12**

**Introduced by Assembly Member Goldberg  
(Coauthors: Assembly Members Dutra, Kehoe, Leno, and Reyes)**

December 2, 2002

---

---

An act to *amend Section 60242 of, and to add Sections 60045.1 and 60200.3 to, the Education Code, relating to instructional materials, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Goldberg. Instructional materials: adoption: reading level.

(1) Existing law authorizes the governing boards of school districts to adopt instructional materials for use in school districts.

This bill would require each governing board, when adopting materials in specified subject matters, *including English language development and primary language instruction*, to adopt those materials in a manner that will provide each pupil with materials appropriate for his or her reading level. *By requiring the governing board of a school district to adopt materials in this manner, this bill imposes a state-mandated local program.*

(2) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for use by school district governing boards.

This bill would require the state board when adopting materials for grades 4 to 8, inclusive, in specified subject matters, *including English language development and primary language instruction*, to adopt

those materials in a manner that will provide each pupil with materials appropriate for his or her reading level.

(3) *Existing law establishes the State Instructional Materials Fund and continuously appropriates the money in the fund for purchase of instructional materials, as specified.*

*This bill would make an appropriation by additionally authorizing the money in the State Instructional Materials Fund to be used to purchase instructional materials that a pupil can read independently and that are appropriate to the pupil's reading level.*

(4) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 60045.1 is added to the Education Code,
- 2 to read:
- 3 60045.1. (a) All instructional materials for mathematics,
- 4 reading, English language arts, *English language development*,
- 5 social sciences, history, ~~and~~ science, *and primary language*
- 6 *instruction* adopted by any governing board for use in the schools
- 7 shall be, to the satisfaction of the governing board, adopted in a
- 8 manner that provides each pupil with materials ~~they~~ *he or she* can
- 9 read independently and that are appropriate for ~~their~~ *his or her*
- 10 respective reading levels.
- 11 (b) *Funding provided by the state, pursuant to Article 3*
- 12 *(commencing with Section 60240) of Chapter 2, for purchase of*
- 13 *textbooks and other instructional materials may be used to*
- 14 *purchase the materials described in subdivision (a).*



SEC. 2. Section 60200.3 is added to the Education Code, to read:

60200.3. (a) The state board shall ensure that the basic instructional materials that it adopts for mathematics, reading, *English* language arts, *English language development*, social sciences, history, ~~and~~ science, *primary language instruction*, to be used in grades 4 to 8, inclusive, are adopted in a manner that provides each pupil with materials ~~they~~ *he or she* can read independently and that are appropriate for ~~their~~ *his or her* respective reading levels.

(b) *Funding provided by the state, pursuant to Article 3 (commencing with Section 60240), for the purchase of textbooks and other instructional materials may be used to purchase the materials described in subdivision (a).*

SEC. 3. Section 60242 of the Education Code is amended to read:

60242. (a) The state board shall encumber the fund for the purpose of establishing an allowance for each school district, which may reflect increases or decreases in enrollment, that the district may use for the following purposes:

(1) To purchase instructional materials adopted by the state board pursuant to Section 60200 for kindergarten and grades 1 to 8, inclusive, or by the governing board pursuant to Section 60400 for grades 9 to 12, inclusive.

(2) To purchase, at the district's discretion, instructional materials, including, but not limited to, supplementary instructional materials and technology-based materials, from any source.

(3) To purchase tests.

(4) To bind basic textbooks that are otherwise usable and are on the most recent list of basic instructional materials adopted by the state board and made available pursuant to Section 60200.

(5) To fund in-service training related to instructional materials.

(6) To purchase classroom library materials for kindergarten and grades 1 to 4, inclusive.

(7) *To purchase instructional materials adopted pursuant to Section 60045.1 or Section 60200.3.*

(b) The state board shall specify the percentage of a district's allowance that is authorized to be used for each of the purposes identified in subdivision (a).

(c) Allowances established for school districts pursuant to this section shall be apportioned in September of each fiscal year.

(d) (1) A school district that purchases classroom library materials, shall, as a condition of receiving funding under this article, develop a districtwide classroom library plan for kindergarten and grades 1 to 4, inclusive, and shall receive certification of the plan from the governing board of the school district. A school district shall include in the plan a means of preventing loss, damage, or destruction of the materials.

(2) In developing the plan required by paragraph (1), a school district is encouraged to consult with school library media teachers and primary grade teachers and to consider selections included in the list of recommended books established pursuant to Section 19336. If a school library media teacher is not employed by the school district, the district is encouraged to consult with a school library media teacher employed by the local county office of education in developing the plan. A charter school may apply for funding on its own behalf or through its chartering entity. Notwithstanding Section 47610, a charter school applying on its own behalf is required to develop and certify approval of a classroom library plan.

(3) To the extent that a school district, county office of education, or charter school already has a plan meeting the criteria specified in paragraphs (1) and (2), no new plan is required to establish eligibility.

*SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.*